

REMARKS

INTRODUCTION

In accordance with the foregoing, claims 4 and 5 have been amended.

Claims 1-10 are pending and under consideration.

ENTRY OF AMENDMENT UNDER 37 C.F.R. §1.116:

The Applicant requests entry of this Rule 116 Response because:

it is believed that the amendment of claims 4 and 5 puts this application into condition for allowance; the amendment of claims 4 and 5 should not entail any further search by the Examiner since no new features are being added; and the amendments do not significantly alter the scope of the claims and place the application at least into a better form for purposes of appeal. No new features or new issues are being raised. No new matter is being added.

The Manual of Patent Examining Procedures sets forth in Section 714.12 that "any amendment that would place the case either in condition for allowance or in better form for appeal may be entered." Moreover, Section 714.13 sets forth that "the Proposed Amendment should be given sufficient consideration to determine whether the claims are in condition for allowance and/or whether the issues on appeal are simplified." The Manual of Patent Examining Procedures further articulates that the reason for any non-entry should be explained expressly in the Advisory Action.

REJECTION UNDER 35 U.S.C. §102(e)

In the Office Action, at page 2, item 1, the Examiner rejected claims 1-2 under 35 U.S.C. §102(e) as being anticipated by Chen. Claim 1 recites "...a first member joinable to a first object; a second member joinable to a second object."

The teachings of Chen are directed to a non-analogous art because Chen describes a vibration damping device for a tennis racquet. Chen's invention is not directed to a damping apparatus restraining vibration transfer between a hard disk drive and a base plate. Chen also fails to disclose "a first member joinable to a first object; a second member joinable to a second object."

The Examiner asserts "a first member 21 joinable to a **first object 71**; a second member 22 joinable to a **second object 71** (*emphasis added*). The present invention is directed to "the first object 101 is a hard disk drive, and the second object 102 is a base plate on which the hard

disk is installed” (Para. 14). As shown in Figs. 3A, 3B, 4, and 5, the first object 101 is separate from the second object 102. The alleged first object 71 and second object 71 are the same object. Chen describes that “although the term strings is used, each string set is typically composed of a single string that is repeatedly woven through frame 62” (*emphasis added*, col. 2, lines 47-50). Thus, Chen does not disclose “a first member joinable to a first object; a second member joinable to a second object” as recited in independent claim 1.

REJECTION UNDER 35 U.S.C. §103

On page 3, item 2, the Examiner rejected claim 3 under 35 U.S.C. §103(a) as being unpatentable over Chen in view of Shinoda. The Examiner acknowledged on page 3 that Chen does not disclose “one of the first and second members is made of a stainless steel plate plated with nickel substantially preventing effects of electromagnetic interference.” On page 3 of the Office Action, the Examiner asserts that Shinoda makes up for the deficiencies of Chen. As discussed above, the teachings of Chen are directed to a non-analogous art because Chen describes a vibration damping device for a tennis racquet. Although Shinoda discusses subjecting metal plates to desired hardening and heat treatments to impart vibration damping properties, Shinoda fails to teach or suggest, “at least one of the first and second members is made of a stainless steel plate plated with nickel substantially preventing effects of electromagnetic interference.” Shinoda is related to metal sheets for foundation metals and gears of diamond cutters or chip saws (col. 18, lines 21-26). The teachings of Shinoda would not apply to Chen because is related to a tennis racquet. Our invention is directed to at least one of the first and second members is made of a stainless steel plate plated with nickel substantially preventing effects of electromagnetic interference.”

Shinoda’s teaching relates to metal sheets treated for heat resistance, weldability, and toughness (col. 18, lines 25-29). Shinoda is silent on the “effects of electromagnetic interference.” Therefore, Shinoda cannot be relied to cure the deficiencies of Chen.

Neither Chen nor Shinoda, individually or combined, teach or suggest “at least one of the first and second members is made of a stainless steel plate plated with nickel substantially preventing effects of electromagnetic interference.”

Withdrawal of the foregoing rejections is respectfully requested.

ALLOWABLE SUBJECT MATTER

On page 3, claims 4 and 5 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 4 and 5 are written into independent form to include all the limitations of Claim 1. Thus, claims 4 and 5 are allowable.

On page 4, claims 6-10 are allowed.

Thus, claims 4-10 are in condition for allowance

CONCLUSION

In accordance with the foregoing, the Applicant respectfully submit that all outstanding objections and rejections have been overcome and/or rendered moot, and further, that all pending claims patentably distinguish over the cited art. Thus, there being no further outstanding objections or rejections, the application is submitted as being in condition for allowance which action is earnestly solicited. At a minimum, the Board should enter this Amendment at least for purposes of Appeal as it either clarifies and/or narrows the issues for consideration.

If the Examiner has any remaining issues to be addressed, it is believed that prosecution can be expedited and possibly concluded by the Examiner contacting the undersigned attorney for a telephone interview to discuss any such remaining issues.

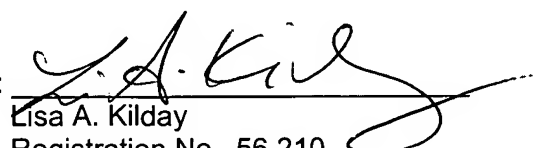
If there are any underpayments or overpayments of fees associated with the filing of this Amendment, please charge and/or credit the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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